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April 14, 1983

Mr. Robert H. Brotherton, Financial Manager  
New Hampshire Sweepstakes Commission  
Fort Eddy Road  
Concord, New Hampshire 03301

Dear Mr. Brotherton:

By letter dated April 12, 1983, you have requested our opinion on whether mailing lists of "lottery agents and Beano operators" maintained by the Sweepstakes Commission are subject to RSA 91-A:4, the provision of the Right-to-Know Law concerning inspection by the public of public records. Our response is that such lists are subject to RSA 91-A:4, and therefore should be made available for inspection by the public.

The purpose of RSA 91-A, commonly referred to as the Right-to-Know Law, is "to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." RSA 91-A:1 (Supp. 1981). RSA 91-A:4 provides that "every citizen ... has a right to inspect public records" in the manner set forth therein. To determine whether a document is a "public record" for the purposes of RSA 91-A, the benefits of disclosure to the public must be weighed against the benefit of non-disclosure to the public body. Mans v. Lebanon School Board, 112 N.H. 160 (1972). Applying this test, it is our opinion that mailing lists of lottery agents and beano operators compiled by the Sweepstakes Commission, a public agency, would qualify as public records subject to inspection unless exempted



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by RSA 91-A:5.<sup>1</sup> The mailing lists, which contain addresses and telephone numbers of the agents and operators, do not fall within any of the enumerated exemptions. Accordingly, such lists should be made available for public inspection pursuant to RSA 91-A:4.

Very truly yours,

*Loretta S. Platt*

Loretta S. Platt  
Assistant Attorney General  
Division of Legal Counsel

LSP:ab  
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191-A:5 Exemptions. The records of the following bodies are exempted from the provisions of this chapter:

- I. Grand and petit juries.
- II. Parole and pardon boards.
- III. Personal school records of pupils.
- IV. Records pertaining to internal personnel practices, confidential, commercial, or financial information, personnel, medical, welfare, and other files whose disclosure would constitute invasion of privacy.